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AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

OCT 25 PM 3:31

U.S. DISTRICT COURT
DISTRICT OF MASS.

ISAIAH NATHANIEL WEDINGTON
CALVIN NATHANIEL WEDINGTON
v.

Case No. _____
(Supplied by Clerk of Court)

WARREN, ET AL.
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: CALVIN WEDINGTON
(b) Other names you have used: ISAIAH NATHANIEL WEDINGTON
2. Place of confinement:
(a) Name of institution: FMC DEVEN
(b) Address: PO Box 879 AYER MA 01432
(c) Your identification number: _____
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): 4245 USC 18-05-CV-767 FROM MINNESOTA

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: USPC(b) Docket number, case number, or opinion number: K-82-00086

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

540 MONTH'S TO SERVE(d) Date of the decision or action: FEB 20, 1992 - SENTENCE 9-15-82

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: USDC OF DISTRICT OF COLUMBIA

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: 21 CV 0536 (CAC)(4) Result: DISMISSED(5) Date of result: 9/30/21

(6) Issues raised: SEE ATTACHED - TIME SERVED W/ GOOD TIME TOWARDS 540 MONTHS. I HAD 466 MONTHS AT PAROLE HEARING 12-2020; PCOMM. FAILED TO ADD 207 DAYS JAIL TIME OR GOOD TIME UNFORESEEN AT TIME OF SENTENCING CALLED MERITORIOUS GOOD TIME.

(b) If you answered "No," explain why you did not appeal: N/A

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

SEE ATTACHED 9-30-21 - THE COURT SAID IT WAS INEFFECTIVE AND I had Tumposky and Hedges 50 CONGRESS STREET BOSTON, MA 02210 AT THE PAROLE HEARING AND THEY REFUSED TO REPEAL MISCALCULATION OF TIME

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

*Did what district court said and vs
bring case to Massachusetts against Warden*

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: TIME MISCALCULATED

(a) Supporting facts (Be brief. Do not cite cases or law.):

did NOT add 207 days JAIL Time To Full Time

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ NoGROUND TWO: 540 MONTHS TO RELEASE SERVED WITH MERITORIOUS GOOD TIME

(a) Supporting facts (Be brief. Do not cite cases or law.):

SEE PROGRESS REPORTS FROM BOP

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ NoGROUND THREE: INEFFECTIVE ASSISTANCE OF COURT APPOINTED LAW FIRM

(a) Supporting facts (Be brief. Do not cite cases or law.):

Failed To COUNT Time IN JAIL BEFORE SENTENCING AND Kept TRYING To make me VIOLATED THE 5TH AMENDMENT

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: DIDN'T KNOW OF THEM OR WOULD HAVE PRESENTED THEM

Request for Relief

15. State exactly what you want the court to do: GRANT my 540 MONTH Release FROM THE FROP

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

10/21/2021

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 10/21/2021

Calvin Wedington Legal ID 654-320 AND
Signature of Petitioner
231-269

Signature of Attorney or other authorized person, if any